

General Assembly

Substitute Bill No. 755

January Session, 2009

_____SB00755ED____040209_____

AN ACT CONCERNING THE USE OF ASTHMATIC INHALERS AND EPINEPHRINE AUTO-INJECTORS WHILE AT SCHOOL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (Effective October 1, 2009) A physician or physician 2 assistant licensed under chapter 370 of the general statutes, an 3 advanced practice registered nurse licensed under chapter 378 of the 4 general statutes and a respiratory care practitioner licensed under 5 chapter 381a of the general statutes may issue to a local or regional 6 board of education a written certification of the need of a child who 7 has been diagnosed with asthma and who is under the care of such 8 licensed health care practitioner to possess an asthmatic inhaler at all 9 times while attending school to ensure prompt treatment of the child's 10 asthma and protect the child against serious harm or death.

Sec. 2. (NEW) (Effective October 1, 2009) A physician or physician assistant licensed under chapter 370 of the general statutes and an advanced practice registered nurse licensed under chapter 378 of the general statutes may issue to a local or regional board of education a written certification of the need of a child who has been diagnosed with an allergic condition and who is under the care of such licensed health care practitioner to possess an automatic prefilled cartridge injector or similar automatic injectable equipment at all times while attending school to ensure prompt treatment of the child's allergic

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- 20 condition and protect the child against serious harm or death.
- Sec. 3. Subsections (b) and (c) of section 10-206 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):
- 24 (b) Each local or regional board of education shall require each child 25 to have a health assessment prior to public school enrollment. The assessment shall include: (1) A physical examination which shall 26 27 include hematocrit or hemoglobin tests, height, weight, blood 28 pressure, and, beginning with the 2003-2004 school year, a chronic 29 disease assessment which shall include, but not be limited to, asthma 30 as defined by the Commissioner of Public Health pursuant to 31 subsection (c) of section 19a-62a. The assessment form shall include (A) 32 a check box for the provider conducting the assessment, as provided in 33 subsection (a) of this section, to indicate an asthma diagnosis or diagnosis of an allergic condition and whether a certificate has been 34 35 issued concerning the use of an asthmatic inhaler in accordance with 36 the provisions of section 1 of this act or an automatic prefilled 37 cartridge injector or similar automatic injectable equipment in 38 accordance with the provisions of section 2 of this act, (B) screening 39 questions relating to appropriate public health concerns to be 40 answered by the parent or guardian, and (C) screening questions to be 41 answered by such provider; (2) an updating of immunizations as 42 required under section 10-204a, provided a registered nurse may only 43 update said immunizations pursuant to a written order by a physician 44 or physician assistant, licensed pursuant to chapter 370, or an 45 advanced practice registered nurse, licensed pursuant to chapter 378; 46 (3) vision, hearing, speech and gross dental screenings; and (4) such 47 other information, including health and developmental history, as the 48 physician feels is necessary and appropriate. The assessment shall also 49 include tests for tuberculosis, sickle cell anemia or Cooley's anemia 50 and tests for lead levels in the blood where the local or regional board 51 of education determines after consultation with the school medical 52 advisor and the local health department, or in the case of a regional 53 board of education, each local health department, that such tests are

necessary, provided a registered nurse may only perform said tests pursuant to the written order of a physician or physician assistant, licensed pursuant to chapter 370, or an advanced practice registered nurse, licensed pursuant to chapter 378.

(c) Each local or regional board of education shall require each pupil enrolled in the public schools to have health assessments in either grade six or grade seven and in either grade nine or grade ten. The assessment shall include: (1) A physical examination which shall include hematocrit or hemoglobin tests, height, weight, blood pressure, and, beginning with the 2003-2004 school year, a chronic disease assessment which shall include, but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to subsection (c) of section 19a-62a. The assessment form shall include (A) a check box for the provider conducting the assessment, as provided in subsection (a) of this section, to indicate an asthma diagnosis or diagnosis of an allergic condition and whether a certificate has been issued concerning the use of an asthmatic inhaler in accordance with the provisions of section 1 of this act or an automatic prefilled cartridge injector or similar automatic injectable equipment in accordance with the provisions of section 2 of this act, (B) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (C) screening questions to be answered by such provider; (2) an updating of immunizations as required under section 10-204a, provided a registered nurse may only update said immunizations pursuant to a written order of a physician or physician assistant, licensed pursuant to chapter 370, or an advanced practice registered nurse, licensed pursuant to chapter 378; (3) vision, hearing, postural and gross dental screenings; and (4) such other information including a health history as the physician feels is necessary and appropriate. The assessment shall also include tests for tuberculosis and sickle cell anemia or Cooley's anemia where the local or regional board of education, in consultation with the school medical advisor and the local health department, or in the case of a regional board of education, each local health department, determines that said

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- screening or test is necessary, provided a registered nurse may only perform said tests pursuant to the written order of a physician or physician assistant, licensed pursuant to chapter 370, or an advanced practice registered nurse, licensed pursuant to chapter 378.
 - Sec. 4. Section 10-212a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):
 - (a) (1) A school nurse or, in the absence of such nurse, any other nurse licensed pursuant to the provisions of chapter 378, including a nurse employed by, or providing services under the direction of a local or regional board of education at, a school-based health clinic, who shall administer medical preparations only to students enrolled in such school-based health clinic in the absence of a school nurse, the principal, any teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, or coach of intramural and interscholastic athletics of a school may administer, subject to the provisions of subdivision (2) of this subsection, medicinal preparations, including such controlled drugs as the Commissioner of Consumer Protection may, by regulation, designate, to any student at such school pursuant to the written order of a physician licensed to practice medicine, or a dentist licensed to practice dental medicine in this or another state, or an optometrist licensed to practice optometry in this state under chapter 380, or an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a, or a physician assistant licensed to prescribe in accordance with section 20-12d, and the written authorization of a parent or guardian of such child. The administration of medicinal preparations by a nurse licensed pursuant to the provisions of chapter 378, a principal, teacher, <u>licensed athletic trainer</u>, licensed physical or occupational therapist employed by a school district, or coach shall be under the general supervision of a school nurse. No such school nurse or other nurse, principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach or school paraprofessional administering medication pursuant to subsection (d) of this section shall be liable to such student or a parent

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- 122 or guardian of such student for civil damages for any personal injuries 123 that result from acts or omissions of such school nurse or other nurse, 124 principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach or school 125 126 paraprofessional administering medication pursuant to subsection (d) 127 of this section in administering such preparations that may constitute 128 ordinary negligence. This immunity does not apply to acts or 129 omissions constituting gross, wilful or wanton negligence.
 - (2) Each local and regional board of education that allows a school nurse or, in the absence of such nurse, any other nurse licensed pursuant to the provisions of chapter 378, including a nurse employed by, or providing services under the direction of a local or regional board of education at, a school-based health clinic, who shall administer medical preparations only to students enrolled in such school-based health clinic in the absence of a school nurse, the principal, any teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, or coach of intramural and interscholastic athletics of a school to administer medicine or that allows a student to self-administer medicine, including medicine administered through the use of an asthmatic inhaler or an automatic prefilled cartridge injector or similar automatic injectable equipment, shall adopt written policies and procedures, in accordance with this section and the regulations adopted pursuant to subsection (c) of this section, that shall be approved by the school medical advisor or other qualified licensed physician. Once so approved, such administration of medication shall be in accordance with such policies and procedures.
 - (3) A director of a school readiness program as defined in section 10-16p or a before or after school program exempt from licensure by the Department of Public Health pursuant to subdivision (1) of subsection (b) of section 19a-77, or the director's designee, may administer medications to a child enrolled in such a program in accordance with regulations adopted by the State Board of Education in accordance with the provisions of chapter 54. No individual

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- administering medications pursuant to this subdivision shall be liable to such child or a parent or guardian of such child for civil damages for any personal injuries that result from acts or omissions of such individual in administering such medications which may constitute ordinary negligence. This immunity shall not apply to acts or omissions constituting gross, wilful or wanton negligence.
- (b) Each school wherein any controlled drug is administered under the provisions of this section shall keep such records thereof as are required of hospitals under the provisions of subsections (f) and (h) of section 21a-254 and shall store such drug in such manner as the Commissioner of Consumer Protection shall, by regulation, require.
- (c) The State Board of Education, in consultation with the Commissioner of Public Health, [may] shall adopt regulations, in accordance with the provisions of chapter 54, [as] determined to be necessary by the board to carry out the provisions of this section, including, but not limited to, regulations that (1) specify conditions under which a coach of intramural and interscholastic athletics may administer medicinal preparations, including controlled drugs specified in the regulations adopted by the commissioner, to a child participating in such intramural and interscholastic athletics, (2) specify conditions and procedures for the administration of medication by school personnel to students, and (3) specify conditions for selfadministration of medication by students, including permitting a child diagnosed with: (A) Asthma to retain possession of an asthmatic inhaler at all times while attending school for prompt treatment of the child's asthma and to protect the child against serious harm or death provided such child has submitted a written certification to the local or regional board of education in accordance with the provisions of section 1 of this act; and (B) an allergic condition to retain possession of an automatic prefilled cartridge injector or similar automatic injectable equipment at all times while attending school for prompt treatment of the child's allergic condition and to protect the child against serious harm or death provided such child has submitted a written certification to the local or regional board of education in accordance

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with the provisions of section 2 of this act. The regulations shall require authorization pursuant to: [(A)] (i) The written order of a physician licensed to practice medicine under chapter 370, a dentist licensed to practice dental medicine [in this or another state] under chapter 379, an advanced practice registered nurse licensed under chapter 378, a physician assistant licensed under chapter 370, a podiatrist licensed under chapter 375, [or] an optometrist licensed under chapter 380 or a respiratory care practitioner licensed under chapter 381a; and [(B)] (ii) the written authorization of a parent or guardian of such child.

(d) (1) With the written authorization of a student's parents, and (2) pursuant to the written order of the student's (A) physician licensed to practice medicine, (B) an optometrist licensed to practice optometry under chapter 380, (C) an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a, or (D) a physician assistant licensed to prescribe in accordance with section 20-12d, a school nurse and a school medical advisor may jointly approve and provide general supervision to an identified school paraprofessional to administer medication, including, but not limited to, medication administered with a cartridge injector, to a specific student with a medically diagnosed allergic condition that may require prompt treatment in order to protect the student against serious harm or death. For purposes of this subsection, "cartridge injector" means an automatic prefilled cartridge injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reactions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section
Sec. 2	October 1, 2009	New section
Sec. 3	October 1, 2009	10-206(b) and (c)
Sec. 4	October 1, 2009	10-212a

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